

REMARKS

Claim 1 is amended by incorporating the subject matter of claims 6-8. Claims 2-8 are canceled in view of the amendment to claim 1. Support for the amendment is found, for example in the specification at page 7, lines 5-12. No new matter is presented.

Upon entry of the Amendment, claims 1 and 9-10 will be all of the claims pending in the application.

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Oharu et al or, in the alternative, as allegedly being obvious over Oharu et al.

The Examiner relies on the disclosure of Oharu et al that R¹⁰ in Formula 5 (corresponding to R¹ of formula I in the present application) can represent an alkyl group having a carbon number of 8 or more and that the alkyl group may be branched. The Examiner asserts that Oharu et al discloses a genus encompassing a variety of species, which includes structures having three or more side chains.

As an alternative position, the Examiner asserts that one of ordinary skill in the art would have been motivated by the teachings of the reference and the expectation of success of obtaining an effective surfactant to incorporate a branched alkyl into the structure of Formula 5 of Oharu et al, thereby rendering the present invention obvious.

Applicants respectfully traverse the rejection based on the following.

Oharu et al does not disclose that the branched alkyl group must have 3 or more side chains as required by claim 1 prior to amendment herein. For example, the branched alkyl group represented by R¹⁰ could have 1 or even 2 side chains and still not anticipate present claim 1.

The compound at column 10, lines 5-6 has only a single side chain, and there is nothing in Oharu et al which further characterizes the branched alkyl group represented by R^{10} or suggests that such branched alkyl group have at least 3 side chains.

However, without conceding the merits of the rejection, and to further distinguish over Oharu et al, claim 1 is amended herein by reciting that R_1 in Formula (I) is a C_{13} isotridecyl group represented by $CH_3CH(CH_3)CH_2CH(CH_3)CH_2CH(CH_3)CH_2CH(CH_3)CH_2-$, $CH_3C(CH_3)_2CH_2C(CH_3)_2CH_2C(CH_3)_2CH_2-$, $CH_2(CH_3)CH(CH_3)CH(CH_3)CH(CH_3)CH(CH_3)CH(CH_3)CH_2-$ or $CH_3CH(C_2H_5)CH_2CH(C_2H_5)CH_2CH(C_2H_5)CH_2-$.

Oharu et al does not disclose a surfactant which comprises a cationic surfactant and a nonionic surfactant of the formula $R^1O[CH_2CH(CH_3)O]_a-(CH_2CH_2O)_bH$, wherein R^1 is one of the C_{13} isotridecyl groups specified in amended claim 1. That is, the R^{10} group in Formula 5 of Oharu et al does not correspond to the isotridecyl group as defined in the present claims. For at least this reason, Oharu et al does not anticipate the presently claimed invention.

Additionally, Oharu et al does not describe or suggest that a surfactant having an isotridecyl group can give an aqueous water- and oil-repellent dispersion wherein a diluted liquid of the aqueous dispersion is not destroyed by a mechanical impact exerted from a substrate (or a fabric) in a water- and oil-repellent treatment bath, whereby substrate pollution is not caused. See page 2, lines 12-17 of the present invention. Thus, one of ordinary skill in the art would not have been motivated to modify the disclosure of Oharu et al with a reasonable expectation of success.

Claims 2-8 are canceled herein, thereby rendering the rejection as to these claims moot. Claims 9 and 10 depend from claim 1 and are patentable over Oharu et al for at least the same reasons.

Accordingly, the present invention is not anticipated nor rendered obvious over Oharu et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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